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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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6/879 7590 05/25/2011 BROWNSTEIN HYATT FARBER SCHRECK, LLP 410 17th STREET SUITE 2200 DENVER, CO 80202				
EXAMINER				
JONES, MARCUS D				
ART UNIT		PAPER NUMBER		
3717				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/590,150

Applicant(s)

PAT ET AL.

Examiner

MARCUS JONES

Art Unit

3717

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 March 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33, 34 and 37-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33, 34 and 37-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-940)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

The amendment filed 14 March 2011 in response to the previous Non-Final Office Action (13 September 2010) is acknowledged and has been entered.

Claims 33, 34, and 37-61 are currently pending.

Claims 1-32, 35 and 36 are cancelled.

Claim Objections

1. Claims 47-49 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. **Claims 33, 34, and 37-61 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.**

Claims 33, 46, and 51, recite "overlapping antennas fixed to a surface of the table top that read data from the electronic circuit memory of each gaming chip in the

gaming chip testing area, the plurality of overlapping antennas configured to surround the gaming chip testing area" that fail to be supported by the Applicant's Specification as filed. Therefore, these limitations are considered to constitute new matter. The Applicant is invited to point out exactly where, in the Specification, support for these limitations can be found.

Claims 34, 37-45, 47-50 and 52-61 fail to cure the deficiencies of claims 33, 46 and 51 and are rejected similarly

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 33, 34, and 37-61 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

Claims 33, 46, and 51, recite the limitation "typical reach of a customer." However, it is unclear what a 'typical reach' of a customer is since every customer is different from one another in size, shape etc. As such, no typical reach can exist for a customer. Appropriate correction is required.

Claims 34, 37-45, 47-50 and 52-61 fail to cure the deficiencies of claims 33, 46 and 51 and are rejected similarly.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 33, 34, and 37-61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (US PGPub 2006/0287068), and further in view of Gelinotte (US PGPub 2004/0229682).

In reference to claims 33 and 51, Walker discloses: A gaming table for use with electronic circuit memory gaming chips, comprising:

a table top (see Figure 8) comprising an operator side (see Figure 8, lead line 132), said operator side comprising at least one gaming chip testing area (par 49), a gaming chip storage area (see Figure 8, lead line 138, *chip tray*), and at least one gaming station on a customer side of the tabletop (see Figure 8, lead line 144, *player position*);

at least one test station including a communication unit adapted to exchange information with a memory of at least one gaming chip in said gaming chip testing area by an antenna device disposed at least one of on and in said tabletop, the communication unit being associated with a processing unit for processing information contained in said memory (par 49, *interrogator 88 communicates with site controller 52*),

the antenna device comprising a plurality of overlapping antennas fixed to a surface of the table top that read data from the electronic circuit memory of each gaming chip in the gaming chip testing area, the plurality of overlapping antennas configured to surround the gaming chip testing area (Walker does not specifically disclose that the antenna has overlapping antennas. The Examiner submits that by increasing the loops of antennas in a device, increases the antennas ability to receive or transmit a signal, as evidenced by Gelinotte Figure 3); and

at least on display device for displaying an output message obtained from the processing unit and based at least in part on information contained in said memory, said display device including a screen at least one of on and in said tabletop (see Figure 8, lead line 142, display positioned proximate the dealer's area. Other information such as an alert of a problem gambler may be displayed, par 62). Walker does not specifically disclose that the display device is on or in the tabletop. However, it would have been obvious to a person having ordinary skill in the art at the time of the invention to place the display in or on the tabletop so long as the display is within reach of the operator, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

wherein the gaming chip testing area is placed on the tabletop adjacent the gaming chip storage area in reach and in view of an operator, and wherein the gaming chip testing area is placed out of a typical reach of a customer located in front of said at least one gaming station on the customer side of the tabletop (par 50, *Walker discloses that the interrogators maybe located on the gaming table. The Examiner submits that*

the interrogator is in view of and reach of the operator, no matter where on the gaming tabletop it is located),

Walker discloses interrogators located on the gaming table top to track the movement of chips about the table (par 65). But does not specifically disclose an anti-collision device. Gelinotte teaches wherein said gaming chip testing area comprises an anti-collision device for reading information from a batch of gaming chips placed in said testing area and said display device displays on said screen the total value of the batch of chips placed in said gaming chip testing area which permits rapid authentication (*real-time*) of the gaming chips (par 10 and 76).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Walker in view of Gelinotte in order to keep accurate track of the total value of chips at the gaming table at any moment.

In reference to claim 34, Walker and Gelinotte disclose the invention substantially as claimed. Walker further discloses the display that is located in the dealer area and only visible to the dealer that may be a LCD, LED or a touch screen display (par 62 and Figure 8, lead line 142). It would have been obvious to a person having ordinary skill in the art at the time of the invention to have mounted the display flush with the tabletop such that only the dealer is able to view the display, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

In reference to claim 37, Walker and Gelinotte disclose the invention substantially as claimed. Walker further discloses a display screen (see Figure 8, lead line 142) which encompasses multiple display lines that are proximal to the operator.

In reference to claims 38 and 52, Walker and Gelinotte disclose the invention substantially as claimed. Walker further discloses that the communication unit is wholly or partly under the table top (see Figures 10 and 11).

In reference to claim 39, Walker and Gelinotte disclose the invention substantially as claimed. Walker further discloses a chip tray (see Figure 8, lead line 138).

In reference to claims 40 and 53, Walker and Gelinotte disclose the invention substantially as claimed. Walker further discloses a tip box located on the gaming table (see Figure 5, lead line 102).

In reference to claims 41, 42, 50, 55, and 59, Walker and Gelinotte disclose the invention substantially as claimed. As discussed above in reference to claim 33, Walker discloses a display screen 142 and multiple chip interrogators. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have multiple displays or test stations, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

In reference to claims 43, 44, and 56, Walker and Gelinotte disclose the invention substantially as claimed. Gelinotte further teaches a station for reading and/or writing in a memory of a token, in particular a gaming chip, incorporating an electronic circuit (par 14).

In reference to claim 45, Walker and Gelinotte disclose the invention substantially as claimed. Gelinotte further teaches a cash table (par 31).

In reference to claim 46, Walker discloses: A gaming table for use with electronic circuit memory gaming chips, comprising:

a table top (see Figure 8) comprising an operator side (see Figure 8, lead line 132), said operator side comprising at last one gaming chip testing area (par 49), a gaining chip storage area (see Figure 8, lead line 138, *chip tray*), and at least one gaming station on a customer side of the tabletop (see Figure 8, lead line 144, *player position*);

at least one test station including a communication unit adapted to exchange information with a memory of at least one gaming chip in said gaming chip testing area by an antenna device disposed at least one of on and in said tabletop, the communication unit being associated with a processing unit for processing information contained in said memory (par 49, *interrogator 88 communicates with site controller 52*), the antenna device comprising a plurality of overlapping antennas fixed to a surface of the table top that read data from the electronic circuit memory of each gaming chip in the gaming chip testing area, the plurality of overlapping antennas configured to surround the gaming chip testing area (Walker does not specifically disclose that the antenna has overlapping antennas. The Examiner submits that by increasing the loops of antennas in a device, increases the antennas ability to receive or transmit a signal, as evidenced by Gelinotte Figure 3); and

at least on display device for displaying an output message obtained from the processing unit and based at least in part on information contained in said memory, said display device including a screen at least one of on and in said tabletop (see Figure 8, lead line 142, display positioned proximate the dealer's area. Other information such as an alert of a problem gambler may be displayed, par 62). Walker does not specifically disclose that the display device is on or in the tabletop. However, it would have been obvious to a person having ordinary skill in the art at the time of the invention to place the display in or on the tabletop so long as the display is within reach of the operator, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

wherein the gaming chip testing area is placed on the tabletop adjacent the gaming chip storage area in reach and in view of an operator, and wherein the gaming chip testing area is placed out of a typical reach of a customer located in front of said at least one gaming station on the customer side of the tabletop (par 50, *Walker discloses that the interrogators maybe located on the gaming table. The Examiner submits that the interrogator is in view of and reach of the operator, no matter where on the gaming tabletop it is located*),

Walker further discloses a display screen (see Figure 8, lead line 142) which encompasses multiple display lines that are proximal to the operator.

Walker further discloses that the communication unit is wholly or partly under the table top (see Figures 10 and 11).

Walker discloses a display screen 142 and multiple chip interrogators. It would have been obvious to a person having ordinary skill in the art at the time of the invention to have multiple displays or test stations, since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. v. Bemis Co.*, 193 USPQ 8.

Walker discloses interrogators located on the gaming table top to track the movement of chips about the table (par 65). But does not specifically disclose an anti-collision device. Gelinotte teaches wherein said gaming chip testing area comprises an anti-collision device for reading information from a batch of gaming chips placed in said testing area and said display device displays on said screen the total value of the batch of chips placed in said gaming chip testing area which permits rapid authentication (*real-time*) of the gaming chips (par 10 and 76).

It would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Walker in view of Gelinotte in order to keep accurate track of the total value of chips at the gaming table at any moment.

In reference to claim 47, 48, 57 and 58, Walker and Gelinotte disclose the invention substantially as claimed. Walker further discloses a method of utilizing game room surveillance equipment (par 107).

In reference to claims 60 and 61, Walker and Gelinotte disclose the invention substantially as claimed. Gelinotte further teaches wherein the anti-collision device comprises:

A device configured to discriminate gaming chips and permit capturing of an identity of a single gaming chip in the batch of gaming chips placed in the testing area;

A device configured to perform reading and/or writing operations to said single gaming chip;

A device configured to deactivate said single gaming chip after the reading and/or writing operations; and

A device configured to permit reactivation of a batch of deactivated chips, where a batch is a stack of chips (par 72-73).

Response to Arguments

7. Examiner acknowledges amendments to overcome 112, 1st rejection.
8. Applicant's arguments have been fully considered but they are not persuasive.
9. The Applicant asserts that "Neither Walker or Gelinotte teach or suggest "the antenna device comprising a plurality of overlapping antennas..." or locating the testing area adjacent the storage area.
10. The Examiner respectfully disagrees.
11. As discussed above, Walker does not specifically disclose that the antenna has overlapping antennas. The Examiner submits that by increasing the loops of antennas in a device, increases the antennas ability to receive or transmit a signal, as evidenced by Gelinotte Figure 3. Gelinotte further teaches superposing the loops eliminates poor transmission areas. Thus, by superposing a multitude of loops it becomes possible to create large areas of reliable transmission in said chip storage

system regardless of the location of a chip within the transmission area, so that the communication unit is able to communicate reliably with a memory of that chip (par 17).

Walker discloses that the interrogators maybe located on the gaming table. The Examiner submits that the interrogator is in view of and reach of the operator, no matter where on the gaming tabletop it is located (par 50).

Examiner Note: While the Applicant has continued to amend the present Application and further prosecution, the claims are largely drawn to the arrangement of parts on the gaming table rather than the function of the table itself. Since similar arguments have been presented in multiple responses, the Applicant is invited to contact the Examiner if the Applicant feels that by doing so would further prosecution.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS JONES whose telephone number is (571)270-3773. The examiner can normally be reached on M-F 9-5 EST, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Melba Bumgarner can be reached on 571-272-4709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marcus D. Jones/
Examiner, Art Unit 3717

/Melba Bumgarner/
Supervisory Patent Examiner, Art Unit 3717